

ADHS CONTRACT NO. HS332334
DES/DDD CONTRACT NO. E2004017

INTERAGENCY SERVICE AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF HEALTH SERVICES
AND

THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY

The following Agreement is entered into by the Arizona Department of Economic Security (DES), Division of Developmental Disabilities (DDD), an agency of the State of Arizona and the Arizona Department of Health Services (ADHS) an agency of the State of Arizona. The DES is duly authorized to execute and administer contracts under A.R.S. §41-1954 and the ADHS is duly authorized to execute and administer contracts under A.R.S. §11-952 and A.R.S. §36-3435 and is authorized to execute its administrative supervision of the Regional Behavioral Health Authorities (RBHAs), under A.R.S. §36-104, and is recognized by Arizona statute as the Behavioral Health System.

This document shall constitute the entire Agreement between the Arizona Department of Economic Security and the Arizona Department of Health Services for the purpose of working together to strengthen the delivery of behavioral health services to DES/DDD Arizona Long Term Care Services (ALTCS) eligible persons served by DES. Therefore, DES and ADHS agree as follows:

I. Agreement Term

This Agreement shall be effective September 12, 2003 and shall terminate on September 30, 2007.

II. Both parties shall comply with Arizona Department of Health Services Behavioral Health Policy and Procedure Manual.

By signing this Agreement, each party agrees that the individual executing this Agreement is empowered to commit the party to perform as defined herein. Each party agrees and recognizes that the ADHS Behavioral Health Policies and Procedures as defined herein are hereby incorporated by reference and shall, where applicable, define the performance of each party.

III. Definitions

“Accessible” means that a covered behavioral health service can be obtained by a DES/DDD ALTCS Eligible Person within the time frames established in the ADHS Policy 1.9: Timeliness of Services.

“ADHS” means the Arizona Department of Health Services.

“ADHS Behavioral Health Policy and Procedure Manual” means the document and any amendments published by ADHS that defines the policies and procedures applicable to Title XIX behavioral health services which must be carried out by ADHS and its subcontracted behavioral health providers

“AHCCCS” means the Arizona Health Care Cost Containment System.

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“Arizona Long Term Care System (DDD/ALTCS)” means the system authorized under A.R.S. 36-2931 et. seq. to provide Title XIX services to DES/DDD Eligible Persons with developmental disabilities.

“Assigned Clinician” means a behavioral health clinician who serves as a fixed point of accountability to ensure active treatment and continuity of care between providers, settings and treatment episodes. The assigned clinician may provide active treatment or ensure that treatment is provided to assigned enrolled persons.

“Authorization” is the process by which the appropriate entity reviews and authorizes for Title XIX ALTCS reimbursement the initiation of certain behavioral health services including medically necessary transportation and inpatient services.

“Behavioral Health Coordinator” means a DES/DDD employee responsible for coordinating treatment recommendations of the DES/DDD Consulting Psychiatrist, facilitating communication and problem resolution between local District DES/DDD staff or support coordinators and ADHS subcontracted providers, attending and participating in local behavioral health groups (including coordinating councils), developing and writing policy and procedures for behavioral health service delivery, providing training regarding ALTCS behavioral health services, developing and clarifying quality management activities which will ensure continuity of care for ALTCS Eligible Persons needing behavioral health services, and serving as a resource for DES/DDD for questions concerning behavioral health for ALTCS Eligible Persons.

“Behavioral Health Professional” (also known in the DES/DDD System as a Qualified Behavioral Health Professional, (QBHP): staff that meets one of the qualifications as defined in R9-20-306:

- ? Licensed Psychiatrist
- ? Licensed Psychologist
- ? Certified Social Worker (State or National Certification)
- ? Certified Counselor (State or National Certification)
- ? Licensed Nurse Practitioner (Arizona Board of Nursing)
- ? Licensed Physician Assistant (Arizona Board of Medical Examiners)
- ? Licensed Registered Nurse (Arizona Board of Nursing) with one year work experience in behavioral health.
- ? Certified Marriage and Family Therapist (State or National Certification)

“Behavioral Health Provider” means the organization and/or behavioral health professionals qualified in accordance with Behavioral Health Standards including appropriate licensure and/or certification. A Behavioral Health Provider must maintain a contract with an agency authorized by ADHS and, if reimbursed by Title XIX funds, must also be registered with AHCCCS to provide the specific behavioral health services being delivered.

“Behavioral Health Services” are those Title XIX covered services that may be reimbursed with Title XIX funds for behavioral health or substance abuse disorders when the services are medically necessary; are contained in the approved individual service plan, when required; are approved through the authorization process, if appropriate; and meet the requirements set forth in the ADHS Behavioral Health Policy and Procedure Manual.

“Behavioral Health Standards” means the standards established by ADHS, federal law, state statute and rule, and any subsequent amendments. At a minimum, these standards shall include the ADHS Behavioral Health Policy and Procedure Manual and the ADHS Quality Management Plan.

“Department of Economic Security/Division of Developmental Disabilities” means the Division of DES that provides services throughout the state of Arizona through institutional and community-

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based programs to DES/DDD Eligible Persons who are eligible for services from the division under A.R.S. Title 36. For the purpose of this Agreement, DES/DDD is an ALTCS Program Contractor.

“Department of Economic Security/Division of Developmental Disabilities Support Coordinator (DES/DDD Support Coordinator)” means a person employed by or contracted with DES/DDD to provide case management under the requirements of the ALTCS program to DES/DDD Eligible Persons with developmental disabilities in the DES Division of Developmental Disabilities. The DES/DDD Support Coordinator is the DES/DDD Eligible Person=s primary Case Manager and shall have the responsibility for participating in the behavioral health service planning process.

“DES/DDD ALTCS Eligible Person” means a person of any age, who is eligible under Title XIX long term care categories of reimbursement (see A.R.S. 36-2931.5.3), including amendments to Title XIX eligibility categories, enrolled with DES/DDD.

“DES” means the Arizona Department of Economic Security.

“DES/DDD ISP Team” means any individual directly involved in the provision of services to an eligible person/family. At a minimum, the ISP Team will include, but not be limited to the individual; the individual=s parent or guardian, if any; the DES/DDD Support Coordinator, who shall serve as plan facilitator and coordinator; representatives of any service being provided or indicated by assessment to be needed; and any additional person(s), approved by the individual/responsible person, whose participation is necessary to develop a complete and effective plan. This Team is also known as the Interdisciplinary Team.

“Emergent and Urgent Behavioral Health Services” are covered services provided after the sudden onset of a behavioral health or substance abuse condition, manifesting itself by acute symptoms of sufficient severity, when the absence of immediate medical attention could result in placing the DES/DDD ALTCS Eligible Person=s health in serious jeopardy, serious impairment of bodily functions, serious dysfunction of any bodily organ or part, or serious behavioral dysfunction to indicate the DES/DDD ALTCS Eligible Person is a danger to self or others.

“Individual Service Plan/Treatment Plan (Behavioral Health ISP)” is a specific plan of behavioral health treatment services developed for each DES/DDD ALTCS Eligible Person that specifies behavioral health services, anticipated time frame, and provider(s) of care. The Individual Service Plan is to be incorporated into the eligible person=s DES/DDD Individual Support Plan by the DES/DDD Support Coordinator.

“Individual Support Plan (ISP)” means the written statement, developed by a DDD ISP Team (Interdisciplinary Team) of needed services to be provided and goals and objectives to be attained for a person with developmental disabilities. The ISP directs the provision of safe, secure, and dependable active support and treatment in areas that are necessary for the individuals to achieve full social inclusion, independence, and personal, and economic well being.

“Initial and Quarterly Consultation” may be a telephonic or face-to-face conversation or may be a mutual exchange and review of written information between a DDD Support Coordinator and a QBHP or assigned clinician regarding behavioral health needs, services, medication regime and side effects, symptoms, and progress of a DES/DDD ALTCS eligible person who is receiving behavioral health services.

“Medical Records” means a single, complete record kept by the Primary Care Physician (PCP), which documents the services received by a DES/DDD ALTCS Eligible Person. Records pertinent to behavioral health and substance abuse services are summarized by the contracted

Behavioral Health Provider and sent to the PCP as notification of services provided to the eligible person.

“Medically Necessary Covered Services” means those services provided by qualified services providers within the scope of their practice to prevent disease, disability, and/or other adverse health conditions or their progression or to prolong life.

“Operational Procedures Manual Matrix” means a document designed for each specific geographical service area of the state that describes roles and responsibilities of support coordinators and behavioral health providers, and provides detailed instructions applicable to the provision of behavioral health services for individuals who are eligible for DES/DDD ALTCS services. The document is critical in local offices and is used for training purposes and desk references.

“Quality Management Plan” is the document, which outlines the Quality Management Structure that will be utilized for behavioral health services. The Quality Management Plan includes guidelines for Quality Assurance, Continued Quality Improvement, Utilization Review, and Risk Management.

“Seriously Mentally Ill (SMI)” means a mental disorder in which a person age 18 and over exhibits emotional or behavioral functioning which is so impaired as to interfere substantially with their capacity to remain in the community without supportive treatment or services of a long-term or indefinite duration. In these persons, mental disability is severe and persistent, resulting in a long-term limitation of their functional capacities for primary activities of daily living such as interpersonal relations, homemaking, self-care, employment, and recreation.

“Subcontractor or subcontracted behavioral health provider” means a person, agency or organization under contract with ADHS to coordinate the delivery of behavioral health services in a geographically specific service area of the state for certain individuals, including DES/DDD ALTCS Eligible Individuals.

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IV. Mutual Objectives

Subject to the provisions of A.R.S. 36-2907.01, A.R.S. 36-2907.03. and A.R.S. 36-2931.5, this Agreement is entered into for the purpose of achieving the following objectives:

- A. To require that ADHS and its subcontractors make behavioral health services available and accessible to DES/DDD ALTCS Eligible Persons within the time frames established in the ADHS Policy 1.9: Timeliness of Services.
- B. To require that DES/DDD and ADHS coordinate, communicate, and provide timely exchange of information necessary for the establishment, maintenance, payment, and enhancement of activities for the provisions of behavioral health services including compliance with court ordered treatment to all DES/DDD ALTCS Eligible Persons.
- C. To ensure that there is an adequate and appropriate network of behavioral health services and providers available to meet the needs of the DES/DDD ALTCS Eligible Person and their families.
- D. To require that Title XIX ALTCS behavioral health services are provided to DES/DDD ALTCS Eligible Persons in the least restrictive, most appropriate setting, and in accordance with the ADHS Behavioral Health Policy and Procedure Manual and when applicable, in compliance with orders of the Arizona Superior Court.
- E. To foster the development of an integrated behavioral health system, under the direction of ADHS, which takes into account the needs of DES/DDD ALTCS Eligible Persons.
- F. To establish criteria for financial responsibility between DES/DDD and ADHS.
- G. To participate in the periodic review of the Operational Procedures Manual Matrix and implement the procedures outlined in the Operational Procedures Manual Matrix.
- H. To develop a system for sharing client and financial information regarding DDD eligible persons receiving behavioral health services.

In the event that a member fails to receive medically necessary behavioral health services from the Division of Behavioral Health or one of its subcontractors, the Assistant Director of the Division of Developmental Disabilities will approach the Deputy Director of the Arizona Department of Health Services/Division of Behavioral Health Services and request an accelerated case review in order to resolve the issue.

V. Agency Responsibilities

This section identifies the responsibilities of ADHS and DES in achieving the mutual objectives in section IV.

A. General

- 1. ADHS and its subcontractors shall require that all Title XIX ALTCS covered behavioral health services are available and accessible to all DES/DDD ALTCS Eligible Persons on a statewide basis.
- 2. ADHS and its subcontractors shall furnish the personnel, facilities, equipment,

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supplies and other items and expertise necessary for or incidental to the provision of behavioral health services to DES/DDD ALTCS Eligible Persons as specified in the Agreement.

3. ADHS shall provide to DES/DDD upon request a listing of behavioral health service providers that are licensed, registered, and under contract.

B. Training

ADHS and DES/DDD, in coordination with AHCCCS, shall develop, coordinate and conduct ongoing statewide training for all staff involved in the provision of behavioral health services to DES/DDD ALTCS Eligible Persons. Training will include but will not be limited to the following:

1. Procedures including referral and enrollment process, service planning, and conflict resolution,
2. DDD and covered behavioral health services and service delivery systems, Developmental disabilities information on the four disability types and habilitative methods of treatment,
3. Mental illness information on the major types of mental illness and treatment methods,
4. Psychiatric medications information and interactions with other medication such as seizures medication, and
5. Treatment issues related to persons with both developmental disability and behavioral health needs.

C. Referral and Enrollment Processes

1. DES/DDD Responsibilities

- a. DES/DDD shall refer all DES/DDD ALTCS Eligible Persons based on the address of the client, parent, guardian, or responsible party. For DES/DDD ALTCS Eligible Persons who have been adjudicated dependent, referral shall be for the county in which the Juvenile Court with jurisdiction is located.
- b. Whenever appropriate, and in order to maximize federal funds, DES/DDD shall place DES/DDD ALTCS Eligible Persons, who have a pending Title XIX ALTCS application, with Title XIX registered providers to enhance the ability of ADHS to provide continuity of service when Title XIX ALTCS eligibility is established.
- c. DES/DDD shall notify the appropriate ADHS subcontracted behavioral health provider of any DES/DDD ALTCS Eligible Person who is placed in an emergency hospitalization for behavioral health reasons within twenty-four (24) hours and shall ensure that the ADHS/subcontracted behavioral health provider has access to appropriate DES/DDD case records and assists the provider in obtaining access to the DES/DDD ALTCS Eligible Person and any needed medical records.
- d. DES/DDD shall ensure that the appropriate ADHS/subcontracted behavioral health provider is advised in writing of all time frames and

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requirements for behavioral health services within twenty-four (24) hours of any notification of Court action.

2. ADHS Responsibilities

- a. ADHS shall require that behavioral health services are available and accessible on a statewide basis.
- b. ADHS and its subcontractors shall ensure that screening and initial assessment are provided in accordance with ADHS Behavioral Health Policy 1.6: Screening, Assessment and Treatment Planning and within required time frames established in ADHS Behavioral Health Policy 1.9: Timeliness of Services. ADHS and its subcontractors will ensure that written notification, in accordance with ADHS Policy 1.4: Referral and established time frames, are provided to the assigned DDD Support Coordinator or authorized designee of the findings and subsequent decision to accept or reject a DES/DDD ALTCS Eligible Person for services.
- c. ADHS and its subcontractors shall ensure that the DES/DDD Support Coordinator or authorized designee is notified within twenty-four (24) hours of any identified DES/DDD ALTCS Eligible Person who receives emergency or acute behavioral health services. ADHS and its subcontractors shall allow DES/DDD access to the person's behavioral health case records.
- d. Upon identification of a DES/DDD ALTCS Eligible Person with behavioral health service needs, ADHS and its subcontractors shall ensure that screening and initial assessment appointments are available within the time lines established in ADHS Policy 1.9: Timeliness of Services.
- e. ADHS will provide to DES/DDD any changes to Enrollment Procedures two weeks prior to the effective date of the change.

D. Assessment, Diagnosis and Treatment Planning

1. DES/DDD Responsibilities

- a. DES/DDD shall make the appropriate DES/DDD case record documentation available within five (5) working days of ADHS subcontracted behavioral health provider=s request or prior to the screening and/or initial assessment, whichever is sooner. DES/DDD shall assist in obtaining other needed DES/DDD ALTCS Eligible Person=s records necessary for the provision of behavioral health services. DES/DDD case record documentation shall not be required prior to intake in emergency situations; DES/DDD shall provide documentation within one working day of an emergency screening and assessment.
- b. DES/DDD shall require that the DES/DDD Support Coordinator or designee is a member of and participates in the behavioral health

treatment staffings and the behavioral health ISP development process. Participation shall be documented by the DES/DDD Support Coordinator=s signature on the behavioral health providers ISP. The signature means that the DES/DDD Support Coordinator has participated in the planning process. A DES/DDD Support Coordinator signature is required as the consent for treatment on behavioral health providers ISPs for children who are adjudicated dependent.

2. ADHS Responsibilities

- a. ADHS and its subcontractors shall perform assessment, diagnosis and treatment planning services in accordance with ADHS Behavioral Health Policy 1.6: Screening, Assessment and Treatment Planning, and Policy 1.9: Timeliness of Services, for all referred DES/DDD ALTCS Eligible Persons
- b. ADHS and its subcontractors shall require that the DDD Eligible person has access to, as needed, behavioral health professionals with appropriate child and adult expertise relevant to developmental disabilities.
- c. ADHS and its subcontractors shall include the DES/DDD Support Coordinator as a participant in the treatment staffings and behavioral health ISP development process through notification of the meeting(s) time and place.
- d. ADHS and its subcontractors shall require that an ISP be developed that implements the treatment plan in the form and format prescribed in ADHS Behavioral Health Policy 1.6: Screening, Assessment and Treatment Planning. The initial behavioral health ISP, all subsequent ISPs, and any changes in providers or level of care shall be developed in collaboration with DES/DDD Support Coordinator and include the dated signature of the DES/DDD Support Coordinator. ADHS and its subcontractors will ensure the DES/DDD Support Coordinator is provided a copy of treatment plan.
- e. The DES/DDD Support Coordinator shall be provided with progress updates_by the ADHS subcontracted behavioral health provider as defined in the Operational Procedures Manual Matrix. This can be achieved at the treatment staffing or by mail at least every 90 days.

E. Provider Network

1. DES/DDD Representative

- a. Upon request from ADHS, DES/DDD shall provide ADHS with an updated listing of the DES/DDD provider network.
- b. DES/DDD shall designate a representative to be notified of changes in the Provider Network based on the requirements of the ADHS

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Behavioral Health Policy 2.12: Network Management. DES/DDD shall notify ADHS within 5 days of receipt of the notification if the proposed change in the provider network negatively impacts service delivery for DES/DDD ALTCS Eligible Persons.

2. ADHS Responsibilities

- a. ADHS shall ensure that a statewide network of behavioral health providers is available to provide and make available and accessible behavioral health services to DES/DDD ALTCS Eligible Persons.
- b. Licensure and certification consistent with Behavioral Health Standards shall be the responsibility of ADHS.
- c. Upon request from DES/DDD, ADHS shall provide DES/DDD with a current listing of all ADHS licensed behavioral health facilities, including address, date of licensure renewal, capacity and Joint Commission of Accreditation of Health Care Organization=s (JCAHO) accreditation status.
- d. ADHS shall observe and abide by all applicable state and federal statutes and regulations regarding use or disclosure of information regarding applicants for and recipients of contract services.
- e. Upon request from DES/DDD, ADHS, through their subcontracted behavioral health providers shall provide client specific information.
- f. ADHS shall comply with the Notification of Change in accordance with ADHS Behavioral Health Policy 2.12: Network Management.

F. Case Management

State and federal law, as well as the Arizona Court System, designates the DES/DDD as the agency having primary responsibility for case management of persons with developmental disabilities; therefore, the assigned clinician will collaborate with the DES/DDD Support Coordinator to integrate behavioral health services in the behavioral health provider ISP with the DES/DDD ISP.

1. DES/DDD Responsibilities

- a. When a behavioral health treatment issue cannot be resolved the DES/DDD Support Coordinator shall advise the client/responsible party to initiate an appeal in accordance with ADHS Behavioral Health Policy 2.16: Appeal Process for Person's Receiving Services.
- b. Any member of the DES/DDD ISP Team may initiate the mediation process as defined in the Operational Procedures Manual Matrix to resolve the treatment issue.
- c. The DES/DDD Support Coordinator's Supervisor shall notify the appropriate ADHS subcontracted behavioral health provider of any changes to DES/DDD case management assignments within five (5) working days of the assignment or change in assignment.

- d. DES/DDD shall follow the Hierarchy of Case Management Services (Appendix A) regarding case management services.
- e. DES/DDD shall provide ADHS written notice and request for review and comment on any policy changes related to behavioral health services 30 days prior to the effective date of the policy change. For changes required by state or federal mandate, the comment period may be less than 30 days and the policy changes may be retroactive.
- f. DES/DDD shall initiate an initial and quarterly consultation between the DES/DDD Support Coordinator and a Qualified Behavioral Health Professional (Assigned Clinician) or Behavioral Health Professional in those cases where the DES/DDD Support Coordinator does not meet the qualifications of a Qualified Behavioral Health Professional.

2. ADHS Responsibilities

- a. When a behavioral health treatment issue cannot be resolved between the DES/DDD Support Coordinator and the assigned clinician, any member of the clinical team may initiate the mediation process as defined in the Operational Procedures Manual Matrix
- b. ADHS shall require that a clinician be assigned to each DES/DDD ALTCS Eligible Persons based upon ADHS Behavioral Health Policy 1.15: Assigned_Clinician.
- c. ADHS and its subcontractors shall require notification to the appropriate DES/DDD Support Coordinator of any assignment or change of assignment in-assigned clinicians, within five (5) working days of the assignment or change in assignment.
- d. ADHS shall provide DES/DDD written notice 30 days prior to the effective date of the policy change. For changes required by state or federal mandate, the comment period may be less than 30 days and the policy change may be retroactive.
- e. ADHS and its subcontractors shall follow the Hierarchy of Case Management Services (Attachment A) regarding case management services.
- f. ADHS and its subcontractors shall comply with the DES/DDD requirement by ensuring that a Behavioral Health Professional (Assigned Clinician) is available for initial and quarterly consultations with the DES/DDD Support Coordinator.

G. Continuity of Care

ADHS and DES/DDD shall comply with all applicable rules and regulations and jointly work together to ensure that continuity of care is maintained for all persons who receive services in accordance with this agreement. For those eligible members under 18 years of age, DES/DDD,

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ADHS and its subcontractors will also adhere to the Twelve Principles as outlined in Attachment B.

H. Confidentiality

The sharing of information, medical records, case records, including personal identifiable health information, between DES/DDD and ADHS shall be subject to all federal and state confidentiality laws and regulations.

I. Quality Management and Utilization Review

1. DES/DDD Responsibilities

- a. DES/DDD shall conduct through ADHS any quality assurance or utilization review studies that are required for DES/DDD ALTCS Eligible Persons receiving Title XIX behavioral health services.
- b. Copies of Incident Reports, as defined in the Operational Procedures Manual Matrix, that are received by the DES/DDD Support Coordinator, that involve a DES/DDD ALTCS Eligible Person enrolled with ADHS shall be forwarded by the DES/DDD Support Coordinator to the assigned clinician

2. ADHS Responsibilities

- a. ADHS shall update annually the Statewide Quality Assurance and Utilization Review (QA/UR) Plan to include, at a minimum, all the federal regulations related to QA/UR as set forth in Chapters 41 and 42 of the Code of Federal Regulation.
- b. ADHS shall forward to DES/DDD of any quality assurance or utilization review studies that it conducts on DES/DDD ALTCS Eligible Persons receiving Title XIX behavioral health services and any quality assurance or utilization review studies that it conducts on behavioral health providers serving DES/DDD ALTCS Eligible Persons.
- c. As a component of the studies identified in H.2.b., ADHS shall review any specific cases identified by DES/DDD for quality assurance or utilization review and shall provide information specific to the DES/DDD ALTCS cases reviewed.
- d. Within 30 days of receipt of an approved Corrective Action Plan required as a result of the review identified in H.2.b., ADHS shall provide a copy of the Corrective Action Plan to DES/DDD.
- e. Copies of Incident Reports, as defined in the Operational Procedures Manual Matrix, received by ADHS involving DES/DDD ALTCS Eligible Persons enrolled with ADHS, shall be forwarded to the DES/DDD Support Coordinator

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- f. Upon request from DES/DDD, ADHS shall provide to DES/DDD copies of the subcontracted behavioral health provider=s Emergency Procedures.

J. Financial Management

1. DES/DDD Responsibilities

- a. DES/DDD shall directly reimburse providers for the non- ALTCS reimbursable behavioral health services authorized by DES/DDD and provided to DES/DDD ALTCS Eligible Persons.
- b. DES/DDD shall work with ADHS toward electronic sharing of client and financial information.
- c. DES/DDD shall provide ADHS by the tenth working day of each month a roster identifying DES/DDD ALTCS Eligible Persons.
- d. DES/DDD shall be responsible for the cost of case management services provided by DES/DDD.
- e. If the Juvenile Court orders a DES/DDD ALTCS Eligible Person to be placed in a non-ALTCS reimbursable setting or to receive non-ALTCS reimbursable behavioral health services, payment for the services/setting shall be the responsibility of DES/DDD.
- f. DES/DDD is responsible for payment to the provider when the DES/DDD Support Coordinator authorizes a placement or services independent of the ADHS subcontracted behavioral health provider.
- g. DES/DDD shall transfer to ADHS on a monthly basis, the Federal Matching Assistance Percentage (Federal Share) of the per member month capitation amount provided to DES/DDD by AHCCCS for the delivery of behavioral health services to DES/DDD ALTCS Eligible Persons.

2. ADHS Responsibilities

- a. ADHS shall work with DES/DDD toward electronic sharing of client and financial information.
- b. ADHS shall provide DES/DDD with the result of reconciling the roster of DES/DDD ALTCS Eligible Persons with enrolled persons by the twenty-fifth day of each month provided a DES/DDD roster has been received in that month.
- c. ADHS shall be responsible for the cost of assigned clinician services, including case management.
- d. ADHS and its subcontractors shall be responsible for the cost of all ADHS and its subcontractors authorized behavioral health placements.

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- e. ADHS and its subcontractors are responsible for payment for emergency behavioral health crisis services for enrolled DES/DDD ALTCS Eligible Persons.
- f. ADHS and its subcontractors shall be financially responsible for behavioral health services contained in the behavioral health ISP in accordance with ADHS-policy.
- g. ADHS shall make available for inspection by DES/DDD the financial audits of their subcontracted behavioral health providers no later than fifteen (15) days after receipt of the financial audit by ADHS.
- h. ADHS shall review with DES/DDD on an annual basis the funding of administrative costs within DES/DDD associated with the delivery of behavioral health services to DES/DDD ALTCS Eligible Persons.

K. Grievance Process

DES/DDD and ADHS shall comply with ADHS Behavioral Health Policy 2.16: Appeal Process for Person's Receiving Services, that describes all appeal processes including AHCCCS Expedited and RBHA Expedited Appeals, and Policy 2.9: Conduct of Investigations Concerning Persons with a Serious Mental Illness for resolution of behavioral health grievances and service appeals. It is the policy of DES/DDD and ADHS to encourage resolution of any grievance or dispute at the lowest possible level.

L. Coordination Efforts

- 1. ADHS and DES/DDD agree to work together to maintain the DDD-ADHS Operational Procedures Manual Matrix. ADHS shall have lead responsibility.
- 2. ADHS and DES/DDD agree to meet periodically to identify and resolve service delivery system issues.
- 3. ADHS and DES/DDD agree that all behavioral health policies developed which affect the provision of behavioral health services to DES/DDD ALTCS Eligible Persons shall be reviewed with input from each agency prior to implementation.
- 4. In the event of a dispute under this Agreement, the parties agree to make a good faith attempt to resolve the dispute prior to taking formal action.
- 5. If the dispute cannot be resolved pursuant to subsection K. above, the Assistant Director of DES/Division of Developmental Disabilities and the Deputy Director of ADHS, Division of Behavioral Health Services, shall resolve the dispute.
- 6. ADHS and DES/DDD shall designate staff to serve on a joint compliance committee to meet regularly to review compliance concerns, recommend changes, and monitor the progress on the mutual objectives of this agreement.
- 7. ADHS and DES/DDD agree to collaborate in the development of:

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- a. A consolidated DES/DDD ISP and ADHS subcontracted behavioral health provider ISP process in order to develop a single, integrated plan for each person,
 - b. Guidelines to facilitate referral for behavioral health services for those persons who need such services, and
 - c. Guidelines to assist in the determination of most appropriate treatment modalities and responsible service system.
8. ADHS and DES/DDD shall work together to develop a methodology for conducting a cost of care analysis to include but not be limited to identification of services provided by ADHS and by DES/DDD, unmet service needs, and the cost of providing behavioral health services to persons with developmental disabilities.
9. ADHS shall provide DES/DDD with any available information to document the cost of providing behavioral health services to DES/DDD ALTCS Eligible Persons for use by DES/DDD in negotiating the capitation rate for behavioral health services with AHCCCS.
10. ADHS and DES/DDD shall develop a process to facilitate the completion of the DES/DDD ALTCS Behavioral Health physician clinical review.

M. Federal Financial Pass-through

DES/DDD shall pass through to ADHS any financial penalties, withholds or sanctions that may be imposed on DES/DDD by AHCCCS which are related solely to ADHS and/or ADHS contracted behavioral health providers performance under this Agreement. ADHS shall reimburse DES/DDD upon demand. DES/DDD may request AHCCCS to deduct from the future payments to ADHS any such penalty/sanction amount or any amount determined by AHCCCS to be unallowable. Any financial penalties, withholds or sanctions that may be imposed on ADHS by AHCCCS which may or may not be related to DES/DDD performance under this Agreement, shall be the responsibility of DES/DDD and shall not be passed through to ADHS. ADHS may offset such amounts against funds received from AHCCCS for DES/ DDD clients.

VI. Notices

All notices or other correspondence between the parties regarding this Agreement shall be mailed or delivered to the respective parties at the following addresses:

ADHS
Deputy Director
Behavioral Health Services
150 N. 18th Ave. Suite 200
Phoenix, Arizona 85007

DES
Assistant Director
Division of Developmental Disabilities
1789 W. Jefferson St., 791A
Phoenix, Arizona 85007

VII. Amendments

A. No condition or requirement contained in or made a part of this Agreement shall be waived or modified without an approved, written amendment to this Agreement. Amendments shall be

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affective only if in writing and signed by all parties. The terms and provisions of this Agreement shall, except as to the extent so amended, remain in full force and effect.

B. Section VII A above notwithstanding, the parties shall give notice to each other of any non-material alteration to this Agreement. Non-material alterations do not require a written amendment and are:

1. Change of address;
2. Change of telephone number;
3. Change of authorized signatory;
4. Change in the name and/or address of the person to whom notices are to be sent.

VIII. Compliance with Non-Discrimination Laws

Except as provided in Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-2-(i), which permits preferential employment treatment of individual Native Americans the parties shall comply with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1975 and the State Executive Order No. 99-4 which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities. The parties shall comply with Section 503 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment of qualified persons because of physical or mental handicap. The parties shall comply with Title VI of the Civil Rights Act of 1964, as amended, which prohibits the denial of benefits or participation in services on the basis of race, color, or national origin. The parties shall comply with the Americans with Disabilities Act and the Arizona Disability Act. The parties shall comply with the Vietnam Era Veteran=s Readjustment Act of 1973, as amended, and the Rehabilitation Act of 1973, as amended, and as implemented by 41 C.F.R. Part 60 as prescribed in 41 C.F.R. 60-250.4 (n) and 41 60-741.4(f).

IX. Indemnification

DES/DDD and ADHS shall each indemnify and hold the other harmless from any and all liability for their own negligence arising from this Agreement and each shall bear all costs for their own defense of any litigation.

X. Termination

This Agreement may be terminated without cause, upon thirty (30) days notice by either party during the term of this contract. This Agreement is subject to the provisions of ARS 38-511.

In the event of termination as provided in this Section, the ADHS shall stop work as specified in the notice of termination.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date written below:

ARIZONA DEPARTMENT OF HEALTH SERVICES

DES/DDD-ADHS Intergovernmental Agreement

Date

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Katherine Babonis, DES Procurement Officer

Date